

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15 TRSE-00
IO-13 NSCE-00 SSO-00 USIE-00 INRE-00 /070 W
-----040504 100149Z /72

O R 092037Z MAR 78
FM AMEMBASSY MONTEVIDEO
TO SECSTATE WASHDC IMMEDIATE 6001
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA
AMEMBASSY SANTIAGO
USCINCSO

C O N F I D E N T I A L SECTION 1 OF 3 MONTEVIDEO 0779

E.O. 11652: GDS
TAGS: SHUM, UY
SUBJECT: HUMAN RIGHTS: GOU ESTABLISHES INFORMATION OFFICE TO
RESPOND TO HUMAN RIGHTS INQUIRIES

1. SUMMARY: GOU ANNOUNCED MARCH 8 ESTABLISHMENT OF A CENTRAL
OFFICE FOR INFORMATION ON PERSONS (OFICINA CENTRAL DE INFOR-
MACION DE PERSONAS - OCIP) CHARGED WITH ANSWERING INQUIRIES
OR ACCUSATIONS CONCERNING THE IMPRISONMENT OF POLITICAL
DETAINEES. THE NEW OFFICE OF INFORMATION WILL ACCEPT IN-
QUIRIES FROM ANY INDIVIDUAL OR ORGANIZATION, WITH THE
EXCEPTION OF RECOGNIZED INTERNATIONAL ORGANIZATIONS AND FOREIGN
GOVERNMENTS RECOGNIZED BY THE GOU, WHICH SHOULD DIRECT THEIR
QUERIES TO THE FOREIGN MINISTRY. THE NEW OFFICE IS UNDER
THE GENERAL DIRECTION OF THE NATIONAL SECURITY COUNCIL
(COSENA) TO BE ADMINISTERED THROUGH ITS PERMANENT
SECRETARY, WHO IS ALSO THE CHIEF OF THE ARMED FORCES JOINT
STAFF (ESMACO). WE HAVE EXPRESSED TO ESMACO
A PREFERENCE FOR CONTINUING TO USE OUR EFFECTIVE OFFICIAL
INFORMAL CHANNEL FOR USG INQUIRIES AND BEEN ADVISED THAT
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IT CONTINUES OPERATIVE UNTIL WE ARE NOTIFIED OF ANY CHANGE.
THE OCIP, IN GESTATION FOR ALMOST A YEAR AND REFERRED
TO IN THE CARTER-MENDEZ SEPTEMBER AND OCTOBER EXCHANGES,
HAS BEEN DELAYED BY SEVERAL FACTORS. WE VIEW ITS
FINAL EMERGENCE AT THIS TIME AS THE FIRST CONCRETE
HUMAN RIGHTS ACHIEVEMENT OF MILITARY MODERATES UNDER
LEADERSHIP OF ARMY CINC ALVAREZ. GIVEN PRIVATE ASSURANCES

THAT ALVAREZ WOULD TAKE STEPS TO IMPROVE URUGUAY'S HUMAN RIGHTS IMAGE IT MAY BE A HARBINGER OF MORE, POSITIVE DEVELOPMENTS TO COME. FOR THE TIME BEING WE RECOMMEND DEPARTMENT SPOKESMAN NOTE ESTABLISHMENT OF OCIP REFERRING TO IT AS AN "ENCOURAGING DEVELOPMENT" AS PRESIDENT CARTER DID IN HIS OCTOBER 31 LETTER TO MENDEZ. WE WILL BE ADVISING INDIVIDUAL AND PRIVATE ORGANIZATIONS TO COMMUNICATE DIRECTLY WITH OCIP AND RECOMMEND DEPARTMENT DO LIKEWISE. END SUMMARY.

2. ON MARCH 8 THE EMBASSY RECEIVED FROM COUNSELOR OF STATE DR. FEDERICO GARCIA CAPURRO A COPY OF THE OFFICIAL TEXT OF A MARCH 6 DECREE SIGNED BY THE PRESIDENT AND ALL MINISTERS ACTING IN COUNCIL WHICH CREATED A CENTRAL OFFICE OF INFORMATION ON PERSONS (OCIP), RESPONSIBLE FOR ANSWERING ALL INQUIRIES AND ACCUSATIONS FROM INDIVIDUALS AND PRIVATE ORGANIZATIONS CONCERNING PERSONS "LINKED TO NATIONAL SECURITY CRIMES" (I.E. POLITICAL DETAINEES). THAT AFTERNOON THE TABLOID MUNDOCOLOR BORKE THE STORY OF OCIP'S CREATION. MORNING OF MARCH 9 THREE PRINCIPAL DAILIES FRONTPAGED THE ANNOUNCEMENT WITH PRO-GOVERNMENT EL PAIS REPRINTING THE DECREE WITHOUT COMMENT AND PRO-MILITARY LA MANANA AND INDEPENDENT EL DIA SUMMARIZING NEW OFFICE'S FUNCTIONS WITH MILDING APPROVING COMMENTS.

3. FOLLOWING IS AN UNOFFICIAL TRANSLATION OF FULL TEXT
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OF THE DECREE ESTABLISHING THE OCIP: QUOTE

CONSIDERING THE NEED TO CENTRALIZE ANALYSIS, STUDY AND PREPARATION OF APPROPRIATE ANSWERS TO ALL KINDS OF FOREIGN QUERIES, REQUESTS FOR INFORMATION OR ACCUSATIONS RELATED TO THE SITUATION OF PERSONS LINKED TO CRIMES COMMITTED AGAINST THE SECURITY OF THE STATE;

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O R 092037Z MAR 78

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC IMMEDIATE 6002

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AMEMBASSY BRASILIA

AMEMBASSY SANTIAGO

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C O N F I D E N T I A L SECTION 2 OF 3 MONTEVIDEO 0779

CONSIDERING THAT GOVERNMENT ADMINISTRATION OFFICIALS FREQUENTLY RECEIVE THIS TYPE OF REQUEST FROM NONGOVERNMENT ORGANIZATIONS OR FROM PERSONS ACTING ON THEIR OWN OR REPRESENTING GROUPS OR UNOFFICIAL FOREIGN INSTITUTIONS;

CONSIDERING THE INCONVENIENCE CREATED BY THESE REQUESTS, WHICH ARE OFTEN PART OF A CAMPAIGN PREPARED BY THE ENEMIES OF NATIONAL INSTITUTIONS AIMED AT DISCREDITING THE TRUTH, AND THAT THE INFORMATION MUST BE BASED ON ACCURATE REPORTS AND PROPERLY DOCUMENTED FACT IF THE COUNTRY'S INTERNATIONAL PRESTIGE IS TO BE PROTECTED IN ORDER TO DEFEAT FOREIGN PROPAGANDA;

THEREFORE, THE CENTRAL OFFICE FOR INFORMATION ON PERSONS (OFICINA CENTRAL DE INFORMACION DE PERSONAS -- OCIP) IS CREATED UNDER THE GENERAL DIRECTION AND GUIDANCE OF THE NATIONAL SECURITY COUNCIL WITH THE PURPOSE OF BEING THE COORDINATING AND EXECUTIVE ORGANIZATION IN THIS MATTER.

IN VIEW OF THE ABOVE, THE PRESIDENT, ACTING AS HEAD OF THE COUNCIL OF MINISTERS, DECREES:

AN OCIP IS CREATED UNDER THE GENERAL DIRECTION AND GUIDANCE OF THE NATIONAL SECURITY COUNCIL AND THE ADMINISTRATIVE CONTROL OF THE PERMANENT SECRETARY OF THE SECURITY COUNCIL.
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THE OCIP WILL CENTRALIZE THE ANALYSIS AND STUDY OF, AND PROVIDE APPROPRIATE ANSWERS TO, ALL TYPES OF QUERIES, REQUESTS FOR INFORMATION OR ACCUSATIONS RELATED TO THE SITUATION OF PERSONS LINKED TO CRIMES COMMITTED AGAINST THE SECURITY OF THE STATE WHICH ARE SENT TO PUBLIC ADMINISTRATION OFFICIALS BY NONGOVERNMENT ORGANIZATIONS OR PERSONS ACTING ON THEIR OWN OR REPRESENTING GROUPS OR UNOFFICIAL FOREIGN INSTITUTIONS.

EXEMPTED FROM THE ABOVE PARAGRAPH ARE FORMAL REQUESTS PRESENTED TO THE FOREIGN MINISTRY BY GOVERNMENTS OR RECOGNIZED INTERNATIONAL ORGANIZATIONS WHICH MAINTAIN RELATIONS WITH OUR COUNTRY, AND REQUESTS PRESENTED TO THE NATIONAL LEGISLATURE IN ACCORDANCE WITH EXISTING REGULATIONS.

ANY OFFICIAL OF THE DECENTRALIZED GOVERNMENT ADMINISTRATION

TION OR MUNICIPAL ADMINISTRATION WHO RECEIVES A REQUEST, WILL SUBMIT IT DIRECTLY AND IMMEDIATELY TO THE OCIP, ATTACHING ALL THE DOCUMENTS RECEIVED, INCLUDING THE UNDA GMAGED ENVELOPE, IN THE CASE OF A WRITTEN REQUEST.

TO CARRY OUT ITS DUTIES, THE OCIP CAN GO DIRECTLY TO PUBLIC ORGANIZATIONS TO REQUEST AND RECEIVE INFORMATION AND DOCUMENTS. ANY REQUESTS SUBMITTED BY THIS OFFICE WILL HAVE FIRST PRIORITY AND THE ANSWER WILL ALWAYS BE WRITTEN. IF VERBAL ANSWER IS GIVEN, IT WILL BE CONFIRMED IN WRITING AS SOON AS POSSIBLE.

THE OFFICE WILL FORMULATE THE APPROPRIATE ANSWER ON THE BASIS OF THE ACCURACY OF THE INFORMATION AND THE VERACITY OF THE FACTS, PROPERLY DOCUMENTED.

BY THIS MEANS IT WILL DEFEND AND IMPROVE THE COUNTRY'S INTERNATIONAL PRESTIGE, COUNTERACTING PROPAGANDA AGAINST THE NATIONAL OBJECTIVES.

ALL PUBLIC ORGANIZATIONS MUST PROVIDE MAXIMUM COOPERATION WITH THE OCIP'S WORK. ANY LACK OF COOPERATION WILL BE CONFIDENTIAL

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CONSIDERED A SERIOUS OFFENSE.

THE DEFENSE MINISTRY WILL PROVIDE THE NECESSARY PERSONNEL AND MEANS FOR THE INSTALLATION AND OPERATION OF THE NEW OFFICE. THIS MINISTRY IS AUTHORIZED TO PROVIDE THE OCIP WITH 100,000 NEW PESOS (US\$19,000) TO TAKE CARE OF INSTALLATION AND OPERATION EXPENSES IN ACCORDANCE WITH ARTICLE NO. 29, LAW NO. 11,925 OF 27 MARCH 1953. UNQUOTE

4. THE OCIP HAS BEEN GIVEN A DOWNTOWN MONTEVIDEO BUILDING AND SHOULD SHORTLY OPEN ITS DOORS FOR BUSINESS. IT WILL REPORTEDLY BE HEADED BY A COLONEL-LEVEL MILITARY OFFICER. HIGH LEVEL MILITARY CONTACTS ASSURE US THAT THE MILITARY INTENDS FOR THE OFFICE TO FUNCTION EFFICIENTLY AND EFFECTIVELY,

RESPONDING TO INQUIRIES ON THE SPOT IF POSSIBLE AND AVOIDING LONG LINES WAITING OUTSIDE. THE OFFICE SHOULD BE ABLE TO DO THIS WITH REGARD TO OLDER CASES BUT GATHERING INFORMATION ON MORE RECENT DETAINEES WILL BE A COMPLEX TASK GIVEN HE

NUMEROUS POLICE AND MILITARY ENTITIES WHICH DETAIN PERSONS.

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MOREOVER A NEGATIVE RESPONSE FROM THE OFFICE WILL NOT NECESSARILY BE DEFINITIVE BECAUSE WE UNDERSTAND THE SECURITY FORCES WILL RETAIN THE RIGHT TO HOLD PERSONS "INCOMMUNICADO" REFUSING FOR NATIONAL SECURITY REASONS OFFICIALLY TO CONFIRM THEIR DETENTION. HOWEVER, SINCE THE NUMBER OF SUCH INCOMMUNICADO DETAINEES IS CURRENTLY NOT LARGE AND THE DURATION OF THEIR DETENTION IN THIS STATUS IS USUALLY RELATIVELY SHORT, THE OCIP SHOULD BE ABLE TO CONFIRM ALMOST ALL PERSONS ACTUALLY HELD.

5.SINCE THE DECREE SPECIFIES THAT FOREIGN GOVERNMENT IN-QUIRIES SHOULD BE CHanneled VIA THE FOREIGN MINISTRY THE CHARGE, DATT AND POLOFFS CALLED ON JOINT STAFF COLONEL CAMPS MARCH 9 TO ASCERTAIN ITS EFFECT ON THE EMBASSY'S SPECIAL OFFICIAL INFORMAL CHANNEL TO ESMACO WHICH HAS BEEN FUNCTIONING SMOOTHLY FOR SOME MONTHS. CAMPS ADVISED US THAT WE SHOULD PROCEED ON THE ASSUMPTION THAT THE CHANNEL CONTINUED TO BE OPERATIVE WHEREUPON WE GAVE HIM A NEW LIST OF ELEVEN CASES. CAMPS SAID ESMACO WOULD INFORM US PROMPTLY OF ANY CHANGE. CHARGE TOLD CAMPS THAT WE WOULD PREFER TO CONFIDENTIAL

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KEEP THE CHANNEL OPEN IF THE GOU HAD NO OBJECTIONS RATHER THAN DEAL WITH THE FOREIGN MINISTRY (WHICH IS NOTORIOUS FOR NOT ANSWERING ITS MAIL). HOWEVER, CHARGE NOTED THAT THE NUMBER OF EMBASSY INQUIRIES WOULD PROBABLY DECLINE SINCE WE WOULD IN FUTURE ADVISE INDIVIDUALS AND PRIVATE ORGANIZATIONS APPROACHING US TO DEAL DIRECTLY WITH THE OCIP. NEVERTHELESS, THERE WOULD CONTINUE TO BE SPECIAL CASES SUCH AS IN-QUIRIES FROM MEMBERS OF CONGRESS, WHICH WE WOULD PREFER

TO DEAL WITH ON AN OFFICIAL BASIS. (NOTE: THE TOTAL NUMBER OF CASES WE HAVE SUBMITTED ON THE OFFICIAL INFORMAL CHANNEL SINCE ITS INCEPTION LAST OCTOBER IS ONLY 81).

6. COMMENT: THE ESTABLISHMENT OF AN OFFICE TO ANSWER INQUIRIES FROM THE PUBLIC CONCERNING PERSONS BELIEVED TO BE DETAINED BY THE GOU HAS BEEN ON THE DRAWING BOARD FOR ALMOST A YEAR. DURING HIS SEPTEMBER 9, 1977 MEETING WITH PRESIDENT CARTER, PRESIDENT MENDEZ INDICATED THAT SUCH AN OFFICE WOULD BE CREATED WITH THE OBJECTIVE OF HELPING TO "ESTABLISH OUR CREDIBILITY." PRESIDENT CARTER IN HIS OCTOBER 31 FOLLOW-UP LETTER TO MENDEZ SPECIFICALLY REFERRED TO THIS AS AN "ENCOURAGING" DEVELOPMENT. THE LONG GESTATION PERIOD CAN BE ATTRIBUTED TO VARIOUS FACTORS: RESISTANCE BY HUMAN RIGHTS HARD LINERS WITHIN THE GOU TO ANY FORTHCOMING STEPS; THE NORMAL SNAIL'S-PACE MOVEMENT OF ANY GOU INITIATIVE, AGGRAVATED BY THE DECEMBER THROUGH FEBRUARY SUMMER HOLIDAY PERIOD; AND RECENT CHANGEOVER IN ARMY AND AIR FORCE COMMANDERS.

7. WE VIEW THIS FINAL EMERGENCE OF THE OCIP AFTER SUCH A LONG DELAY AS THE FIRST CONCRETE HUMAN RIGHTS ACHIEVEMENT OF THE MILITARY MODERATES UNDER THE LEADERSHIP OF ARMY CINC ALVAREZ. IT FULLY CONSISTENT WITH EARLIER PRIVATE ASSURANCES TO US THAT ALVAREZ WOULD BE TAKING CONFIDENTIAL

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STEPS THAT WOULD HELP TO IMPROVE URUGUAY'S HUMAN RIGHTS IMAGE. THUS, WHILE THIS IS AN IMPORTANT POSITIVE DEVELOPMENT IN ITS OWN RIGHT, IT MAY BE EVEN MORE SIGNIFICANT AS A HARBINGER OF MORE SUCH STEPS TO COME. WE WILL BE FOLLOWING THESE DEVELOPMENTS CLOSELY WITH A VIEW TO RECOMMENDING WHAT OUR RESPONSE SHOULD BE. FOR THE TIME BEING WE RECOMMEND TWO ACTIONS:

A. THE DEPARTMENT SPOKESMAN SHOULD MAKE A STATEMENT AT HIS NEXT NOON BRIEFING NOTING THE GOU'S ESTABLISHMENT OF THE OCIP AND REFER TO IT AS AN "ENCOURAGING DEVELOPMENT," AS PRESIDENT CARTER DID IN HIS OCTOBER 31 LETTER TO MENDEZ.
B. THE DEPARTMENT SHOULD ADVISE INDIVIDUALS AND PRIVATE ORGANIZATIONS WHICH IN FUTURE PRESENT HUMAN RIGHTS CASES TO IT TO COMMUNICATE DIRECTLY WITH THE OCIP. (WE EXPECT SHORTLY TO HAVE AN ADDRESS FOR THE OCIP OFFICE BUT MEANTIME INQUIRIES COULD BE SENT TO THE URUGUAYAN EMBASSY WASHINGTON.) WE WILL GIVE SIMILAR ADVICE IN REPLY TO SUCH INQUIRIES WHICH WE RECEIVE HERE.
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Message Attributes

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